REMARKS

The Office Action dated February 7, 2006 has been received and considered. Reconsideration of the outstanding rejections is respectfully requested based on the following remarks.

Obviousness Rejection of Claims 1, 7, 25, 31, 47, and 57-59

At page 2 of the Office Action, claims 1, 7, 25, 31, 47, and 57-59 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Har-Chen (U.S. Patent No. 6,429,902) in view of Knappe (U.S. Patent No. 6,785,267). This rejection is respectfully traversed.

There is no motivation to combine the teachings of Har-Chen and Knappe as proposed

Independent claim 1 recites the features of "when the synchronization state is in a second state making a first playback adjustment to the audio data, wherein the first playback adjustment includes performing a sample rate conversion by interpolation of one or more audio data samples of the audio data." Independent claims 25 and 47 similarly recite the features of "wherein the first playback adjustment includes performing a sample rate conversion by interpolation of one or more of the audio data samples." The Office Action acknowledges that Har-Chen discloses that "sample rate conversion is done by duplication or elimination of an audio sample" and that Har-Chen fails to disclose that "sample rate conversion is done by interpolation of one or more audio data samples . . . ." *Office Action*, p. 3. The Office Action therefore asserts that Knappe teaches that sample rate conversion "can be done either by repeating samples or interpolating samples." *Id.* (citing *Knappe*, col. 7, lines 48-52), and further asserts that it would have been obvious to one of ordinary skill "to perform the sample rate conversion by interpolation of one or more audio data samples since this is a known way of performing sample rate conversion." *Id.* The Applicant respectfully disagrees and submits that there is no motivation to combine the teachings of Har-Chen and Knappe as proposed.

As a first issue, the Office Action errs in characterizing the system of Har-Chen as directed to sample rate conversion. Rather, Har-Chen discloses that "[t]he invention enables clock synchronization between the encoder and a decoder with an unregulated clock oscillator so as to control the data reader by skipping ahead (eliminating a data element) or to pause (duplicating a data element) depending on whether the encoder is faster or slower than the decoder clock."

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Har-Chen, Abstract (emphasis added). Thus, Har-Chen teaches a technique for <u>clock</u> <u>synchronization</u>, whereby the decoder clock can be effectively sped up by eliminating a data element or <u>paused by duplicating a data element</u>. In contrast, Knappe is directed to a technique for adjusting between sample rates, rather than clock synchronization. *See, e.g., Knappe*, col. 7, lines 48-52 (teaching "audio is converted to the high rate prior to playout (e.g., by repeating samples or interspersing interpolating samples in the data) . . ."). Thus, while the Office Action asserts that the combination of Har-Chen and Knappe is motivated by the knowledge that interpolation is an allegedly "known way of performing sample rate conversion," the technique of Har-Chen is directed to clock synchronization, rather than sample rate conversion, so one of ordinary skill in the art would find no motivation to use a sample rate conversion technique of Knappe in place of the clock synchronization technique of Har-Chen.

Further, as discussed above, Har-Chen teaches the duplication of audio samples to effectively pause the decoder for clock synchronization purposes. One of ordinary skill in the art will appreciate that the insertion of interpolated audio samples, as taught by Knappe, in place of duplicated audio samples, as taught by Har-Chen, would not result in a pausing of the decoder as the interpolated samples audio samples represent an advancement of the audio stream. Additionally, the duplication of audio samples is a less complex and more efficient process than the process of interpolating audio samples. Thus, one of ordinary skill in the art would find no motivation to replace the less complex, more efficient technique of duplicating samples that actually has the effect of pausing a decoder as taught by Har-Chen with the more complex, less efficient technique of audio sample interpolation taught by Knappe which does not achieve the effect of pausing a decoder as sought by Har-Chen.

Knappe fails to disclose filtering audio data samples as provided by claims 57-59

Claims 57-59, which depend from claims 1, 25 and 47, respectively, recite the additional features of "wherein the first playback adjustment further comprises filtering <u>of the one or more</u> <u>audio data samples</u>. The Office Action asserts that Knappe discloses these features at col. 7, lines 31-43. *Office Action*, p. 4 (stating that "the filtering is used to reduce the number of samples"). The Applicant respectfully disagrees. Rather than teaching the filtering of audio data samples as recited by claims 57-59, the cited passage of Knappe teaches "a switchable anti-aliasing filter . . . . This filter should be enabled to cut out high frequencies <u>prior to the A/D</u>

converter 126 when low-rate sampling is enabled." *Knappe*, col. 7, lines 36-39 (emphasis added). Thus, Knappe teaches filtering the audio signal before the audio samples are even obtained (via the A/D converter 126), whereas claims 57-59 provide for filtering of the one or more audio data samples. The proposed combination of Har-Chen and Knappe therefore fail to disclose or suggest the particular combinations of features recited by claims 57-59.

The Office fails to establish a prima facie case of obviousness

In view of the foregoing, it is respectfully submitted that there is no motivation to combine the teachings of Har-Chen and Knappe as proposed. The Office Action therefore has failed to establish a *prima facie* case of obviousness for independent claims 1, 25 and 47, as well as claims 7, 31 and 57-59 at least by virtue of their dependency from one of claims 1, 25 or 47. Moreover, the proposed combination of Har-Chen and Knappe fails to disclose or suggest each and every feature recited by at least claims 57-59. Reconsideration and withdrawal of this rejection therefore is respectfully requested.

Obviousness Rejections of Claims 2-4, 8-24, 26-28, 32-46, 48-56 and 60

At page 4 of the Office Action, claims 2-4, 26-28, and 48 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Har-Chen in view of Knappe and further in view of Nuber (U.S. Patent No. 5,703,877), and claims 8-24, 32-46, and 49-51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Har-Chen in view of Knappe and further in view of Maturi (U.S. Patent No. 5,960,006). At page 8 of the Office Action, claims 52-56 and 60 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Maturi in view of Har-Chen and further in view of Knappe. These rejections are respectfully traversed.

There is no motivation to combine the teachings of Har-Chen and Knappe as proposed

Claims 1, 25, 47 and 52 provide for performing a sample rate conversion by interpolation of audio samples. Claims 2-4 and 8-24 depend from claim 1, claims 26-28 and 32-46 depend from claim 25, claims 48-51 depend from claim 47, and claims 53-56 and 60 depend from claim 51. As discussed above, there is no motivation to combine the teachings of Har-Chen and Knappe with respect to claims 1, 25, 47 and 51 as proposed by the Office, so there is no motivation to combine the teachings of Maturi, Har-Chen, Knappe and Nuber to arrive at the particular combinations of features recited by claims 2-4, 8-24, 26-28, 32-46, 48-56 and 60.

The proposed combination of Har-Chen, Knappe and Nuber fails to disclose or suggest a delta value associated with a first state that indicates a time difference equivalent to playback of a single audio data sample as recited by claims 12 and 36

Claim 11 recites the features of "wherein a difference between the PTS value and the STC value is compared to a delta value." Claim 12, which depends from claim 11, recites the features of "wherein a delta value associated with the first state indicates a time difference equivalent to playback of a single audio sample." Claim 36 recites similar features. The Office Action is silent with respect to the claimed features of "wherein a delta value associated with the first state indicates a time difference equivalent to playback of a single audio sample." *See Office Action*, p. 5-6. Accordingly, the Office Action fails to establish a *prima facie* case of obviousness for claims 12 and 36 as the Office Action provides no specific support for its rejection of claims 12 and 36.

Knappe fails to disclose filtering audio data samples as provided by claims 57-59

Claim 60, which depends from claim 51, recites the additional features of "wherein the first playback adjustment further comprises filtering of the one or more audio data samples. As discussed above with respect to claims 57-59, Knappe fails to disclose or suggest these features. Maturi and Har-Chen also fail to disclose or suggest these features. The proposed combination of Maturi, Har-Chen and Knappe therefore fails to disclose or suggest the particular combination of features recited by claim 60.

The Office fails to establish a prima facie case of obviousness

In view of the foregoing, it is respectfully submitted that there is no motivation to combine the teachings of Har-Chen, Knappe and Nuber as proposed. The Office Action therefore has failed to establish a *prima facie* case of obviousness for claims 2-4, 8-24, 26-28, 32-46, 48-56 and 60. Reconsideration and withdrawal of these rejections therefore is respectfully requested.
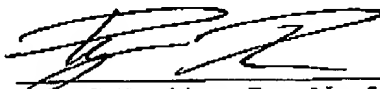
Conclusion

The Applicant respectfully submits that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

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PAGE 7/8 * RCVD AT 4/26/2006 5:13:31 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/13 * DNIS:2738300 * CSID:512 327 5452 * DURATION (mm-ss):02-28

The Applicant believes no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-0441.

Respectfully submitted,

26 April 2006
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Date

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